

Exhibit 1

Defendants' RFA Responses

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

Western Division

JANE DOE #1, and JANE DOE #2, on)	
behalf of themselves and all others similarly)	
situated,)	
Plaintiff,)	
v.)	CIVIL ACTION NO:
MG FREESITES LTD, d/b/a "PORNHUB";)	7:21-cv-00220-LSC
MG FREESITES II LTD; MINDGEEK)	Honorable L. Scott Coogler
S.A.R.L.; MINDGEEK USA)	
INCORPORATED; MG CY HOLDINGS)	
LTD; MINDGEEK CONTENT RT LIMITED;)	
9219-QUEBEC, INC., d/b/a MINDGEEK;)	
MG BILL LTD,)	
Defendants.)	
)	
)	
)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Defendants MG Freesites Ltd, MG Freesites II Ltd, Mindgeek S.A.R.L., Mindgeek USA Inc., MG CY Holdings Ltd., Mindgeek Content RT Limited, 9219-1568 Quebec Inc., and MG Billing Ltd. (collectively "Defendants"), by their counsel Dechert LLP, hereby respond and object to Plaintiff's First Set of Requests for Admission (the "Requests," and each request individually, a "Request") served by Plaintiff, Jane Doe #1 ("Plaintiff").

**GENERAL OBJECTIONS AND OBJECTIONS TO
DEFINITIONS AND INSTRUCTIONS**

Defendants assert the following General Objections and Objections to Definitions and Instructions. Each response to a Request is subject to, and is limited in accordance with, the following General Objections and Objections to Definitions and Instructions, which are incorporated therein as if fully set forth and are not waived or in any way limited by the Specific Responses and Objections set forth below.

1. Defendants object to the Requests, including the Definitions and Instructions, to the extent that they purport to impose obligations on Defendants that are broader than, inconsistent with, not authorized under, or not reasonable pursuant to the Federal Rules of Civil Procedure (the “Applicable Rules”). Defendants will respond to Requests for Admission in accordance with the Applicable Rules.

2. Defendants object to producing or providing information, documents, or any other discovery that is protected from disclosure by the attorney-client privilege, the work product doctrine, joint-defense privilege, the self-investigative privilege, or any other legally-recognized privilege, immunity, or exemption (collectively, “Privileged Information”). Privileged Information will not be knowingly disclosed. Any disclosure of Privileged Information in response to any Request is inadvertent and not intended to waive any privileges or protections. Defendants reserve the right to demand that Plaintiff return or destroy any Privileged Information inadvertently produced, including all copies and summaries thereof. Defendants will withhold or redact Privileged Information from its productions in response to the Requests and produce an appropriate privilege log in accordance with the Applicable Rules and the provisions of any protocol agreed to by the parties or entered by the Court in this matter.

3. Defendants object to the Requests, including the Definitions and Instructions, to the extent that they are overbroad or unduly burdensome, or call for the production of material not relevant to any party’s claim or defense and not proportional to the needs of the case because they are not limited to events or issues related to Plaintiff’s claims, including but not limited to the extent they seek discovery regarding websites other than those on which Plaintiff alleges content depicting her was uploaded (Pornhub.com), and content other than ModelHub content. Subject to and without waiving any objections, in response to the Requests, Defendants will provide information concerning Pornhub.com, and ModelHub programs and content unless otherwise noted in response to specific Requests below.

4. Defendants object to the definition of the “Relevant Period” to the extent it extends to the “present” which is both well beyond the time relevant to the allegations in this

case and is vague and ambiguous as it will be an ever changing time period.

5. Defendants object to the definition of “Suspected CSAM” as overly broad, vague, and ambiguous as it includes a wide variety of situations in which content is flagged, identified, or “suggested” as possibly depicting CSAM which are not appropriately defined in a single category as they are afforded different treatment at different times, including before and after content is made publicly available on Pornhub.com. Further, the definition is vague and ambiguous because it uses the following terms which are non-specific and undefined: “suggested,” “third parties,” “artificial intelligence,” and “predictive tools.”

6. Defendants object to each Request and to the definitions used in those Requests to the extent it assumes facts not in evidence. By responding and objecting to each of these Requests, Defendants do not admit or agree with any explicit or implicit assumptions made in these Requests or the Definitions used therein.

7. Except for those facts expressly admitted herein, no admissions of any nature whatsoever are implied or should be inferred.

RESPONSE FOR REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO.1

Sometime during the Relevant Period, there has been CSAM on PornHub and Mindgeek’s Other Websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 1

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants admit only that against the relevant terms of service, content was uploaded by individuals to Pornhub.com that Defendants learned after it was made available on that website contained CSAM, and that upon learning the content contained CSAM, such content was removed.

REQUEST FOR ADMISSION NO.2

Sometime during the Relevant Period, there has been Suspected CSAM on PornHub and Mindgeek’s Other Websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 2

Subject to and without waiving any and all objections, including the General Objections set forth above, denied as stated. Plaintiff's definition of Suspected CSAM includes content that was identified by Defendants' employees and/or technology used by Defendants as "possibly depicting CSAM" before such content appeared on Pornhub.com and which therefore never appeared on the website. To the extent this Request concerns such content, the Request is denied. Defendants admit only that against the relevant terms of service, content was uploaded by individuals to Pornhub.com that Defendants learned after it was made available on that website possibly depicted CSAM, and that upon learning the content possibly depicted CSAM, such content was investigated and if determined to contain CSAM or Apparent CSAM, it was removed.

REQUEST FOR ADMISSION NO.3

During the Relevant Period, Mindgeek has not verified the ages of all people who have appeared in videos and/or images on PornHub and its Other Websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 3

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants deny this Request as stated. Defendants specifically deny that during the Relevant Period they did not take steps to verify the age of people who appeared in content uploaded to Pornhub.com. During the Relevant Period, moderators reviewed every piece of content before it was authorized for public access. Moderators were trained to recognize content that violates Defendants' terms of service, including for signs indicating underage content. The moderators were supported by a suite of technical tools, which have grown over time, including tools that compare content sought to be published on Pornhub.com to databases of known CSAM and tools that use artificial intelligence to predict whether a piece of content is or could be CSAM or whether text could be related to CSAM. In addition, at all relevant times a person who wanted to upload content to a MindGeek website was required to comply with the website's terms of service which included a prohibition on the upload of content depicting underaged

individuals. Since mid-December 2020, only verified Models can upload content to Pornhub.com. To become a verified Model, one must be 18 years of age and create a username and password, provide an address, an email address, date of birth, and agree to the site's terms of service. One must also provide government-issued identification and undergo live verification of oneself (i.e. live processing through a camera). Technological tools are used to review the government-issued identification and live photographs to ensure that: (1) the identification is valid, (2) the photograph was live, and (3) the identification and photograph match.

All uploaders of content certify, at the time of upload, that: (1) they have verified that all individuals appearing in the uploaded content were 18 or older on the day it was produced, and (2) they have obtained and retain records of consent to record and distribute the content from all performers appearing in the content.

As of September 2022, MindGeek no longer allows on its platforms content from individual (i.e. non-studio) uploaders who are not depicted in their content, unless the uploader provides government-issued identification for each performer in the content. That is, if neither the uploader nor anyone else on the uploader's account is in the uploaded content, the moderation team reaches out to the uploader to request copies of government-issued identification for each of the performers appearing in the content at issue. Unless and until proper documentation is provided for each of those performers, the uploaded content will not be approved to go live on the MindGeek site.

REQUEST FOR ADMISSION NO.4

During the Relevant Period, Mindgeek has not required Content Providers to provide evidence of the ages of all people who have appeared in videos and/or images submitted to PornHub and its Other Websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants deny this Request as stated. Defendants admit only that Content Providers have not had to physically produce to Defendants documents showing the date of birth

of all people who have appeared in content submitted to Pornhub.com. At all relevant times a person who wanted to upload content to a MindGeek website was required to comply with the website's terms of service which included a prohibition on the upload of content depicting underaged individuals. Since mid-December 2020, only verified Models can upload content to Pornhub.com. To become a verified Model, one must be 18 years of age and create a username and password, provide an address, an email address, date of birth, and agree to the site's terms of service. One must also provide government-issued identification and undergo live verification of oneself (i.e. live processing through a camera). Technological tools are used to review the government-issued identification and live photographs to ensure that: (1) the identification is valid, (2) the photograph was live, and (3) the identification and photograph match.

All uploaders of content certify, at the time of upload, that: (1) they have verified that all individuals appearing in the uploaded content were 18 or older on the day it was produced, and (2) they have obtained and retain records of consent to record and distribute the content from all performers appearing in the content.

As of September 2022, MindGeek no longer allows on its platforms content from individual (i.e. non-studio) uploaders who are not depicted in their content, unless the uploader provides government-issued identification for each performer in the content. That is, if neither the uploader nor anyone else on the uploader's account is in the uploaded content, the moderation team reaches out to the uploader to request copies of government-issued identification for each of the performers appearing in the content at issue. Unless and until proper documentation is provided for each of those performers, the uploaded content will not be approved to go live on the MindGeek site.

REQUEST FOR ADMISSION NO.5

Mindgeek does not have evidence of the ages of all people who have appeared in videos and/or images on PornHub and its Other Websites during the Relevant Period.

RESPONSE TO REQUEST FOR ADMISSION NO. 5

Subject to and without waiving any and all objections, including the General Objections

set forth above, Defendants deny this Request as stated. Defendants specifically deny that for the Relevant Period they do not have evidence of the age of all people who have appeared in content uploaded to Pornhub.com. During the Relevant Period, moderators reviewed every piece of content before it was authorized for public access. Moderators were trained to recognize content that violates Defendants' terms of service, including for signs indicating underage content. The moderators were supported by a suite of technical tools, which have grown over time, including tools that compare content sought to be published on Pornhub.com to databases of known CSAM and tools that use artificial intelligence to predict whether a piece of content is or could be CSAM or whether text could be related to CSAM. In addition, at all relevant times a person who wanted to upload content to a MindGeek website was required to comply with the websites' terms of service which included a prohibition on the upload of content depicting underaged individuals. Since mid-December 2020, only verified Models can upload content to Pornhub.com. To become a verified Model, one must be 18 years of age and create a username and password, provide an address, an email address, date of birth, and agree to the site's terms of service. One must also provide government-issued identification and undergo live verification of oneself (i.e. live processing through a camera). Technological tools are used to review the government-issued identification and live photographs to ensure that: (1) the identification is valid, (2) the photograph was live, and (3) the identification and photograph match.

All uploaders of content certify, at the time of upload, that: (1) they have verified that all individuals appearing in the uploaded content were 18 or older on the day it was produced, and (2) they have obtained and retain records of consent to record and distribute the content from all performers appearing in the content.

As of September 2022, MindGeek no longer allows on its platforms videos from individual (i.e. non-studio) uploaders who are not depicted in their content, unless the uploader provides government-issued identification for each performer in the video. Unless and until proper documentation is provided for each of those performers, the uploaded content will not be approved to go live on the MindGeek site.

REQUEST FOR ADMISSION NO.6

During the Relevant Period, there have been videos and/or images removed from Pornhub and Mindgeek's Other Websites because they contained CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 6

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants admit that videos or images alleged to contain CSAM or determined to contain Apparent CSAM have been removed from Pornhub.com.

REQUEST FOR ADMISSION NO.7

During the Relevant Period, there have been videos and/or images removed from Pornhub and Mindgeek's Other Websites because they contained Suspected CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Subject to and without waiving any and all objections, including the General Objections set forth above, denied as stated. Plaintiff's definition of Suspected CSAM includes content that was identified by Defendants' employees and/or technology used by Defendants as "possibly depicting CSAM" before such content appeared on Pornhub.com and which therefore never appeared on the website to be removed. To the extent this Request concerns such content, the Request is denied. Defendants admit only that if, against the relevant terms of service, content was uploaded by individuals to Pornhub.com and after it was made available on the website Defendants learned such content possibly depicted CSAM, such content was investigated and if determined to contain CSAM or Apparent CSAM, it was removed.

REQUEST FOR ADMISSION NO.8

During the Relevant Period, there have been videos and/or images removed from Pornhub and Mindgeek's Other Websites after Mindgeek investigated whether all of the performers were 18 years or older when the videos and/or images were created.

RESPONSE TO REQUEST FOR ADMISSION NO. 8

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants admit that videos or images have been removed from Pornhub.com

after investigation determined that performers were under the age of 18 when the videos or images were created.

REQUEST FOR ADMISSION NO.9

Since 2020, Mindgeek has reported videos and/or images containing Apparent CSAM to NCMEC.

RESPONSE TO REQUEST FOR ADMISSION NO. 9

Subject to and without waiving any and all objections, including the General Objections set forth above, admitted.

REQUEST FOR ADMISSION NO.10

Since 2020, Mindgeek has reported more than 20,000 instances of Apparent CSAM on Pornhub and its Other Websites to NCMEC.

RESPONSE TO REQUEST FOR ADMISSION NO. 10

Subject to and without waiving any and all objections, including the General Objections set forth above, denied. MindGeek admits it has made more than 20,000 reports of Apparent CSAM to NCMEC but denies that those reports reflect “20,000 instances of Apparent CSAM.”

REQUEST FOR ADMISSION NO.11

Since 2020, Mindgeek has removed videos and/or images from Pornhub and its Other Websites that it had reported to NCMEC.

RESPONSE TO REQUEST FOR ADMISSION NO. 11

Subject to and without waiving any and all objections, including the General Objections set forth above, admitted.

REQUEST FOR ADMISSION NO.12

In 2021 and 2022, NCMEC notified Mindgeek of instances of Apparent CSAM on Pornhub that other persons or entities had reported to NCMEC.

RESPONSE TO REQUEST FOR ADMISSION NO. 12

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants admit that they received three notices of Apparent CSAM from

NCMEC in 2021 and one notice in 2022.

REQUEST FOR ADMISSION NO.13

The NCMEC documents entitled “CyberTipline Reports by Electronic Service Providers (ESP)” for 2020, 2021, and 2022 which are attached hereto as Exhibits A, B, and C, respectively, are genuine and accurately state the number of instances of Apparent CSAM that Mindgeek became aware of on their systems in 2020, 2021, and 2022.

RESPONSE TO REQUEST FOR ADMISSION NO. 13

Subject to and without waiving any and all objections, including the General Objections set forth above, denied in part and admitted in part. Defendants admit that Exhibits A, B, and C appear to be true and accurate copies of the “CyberTipline Reports by Electronic Providers (ESP) for 2020, 2021, and 2022. Defendants also admit that they accurately state the number of reports of Apparent CSAM MG Freesites Ltd made to NCMEC in those years. Defendants deny that those reports reflect the number of instances of Apparent CSAM.

REQUEST FOR ADMISSION NO.14

During the Relevant Period, Mindgeek has investigated whether certain videos and/or images on PornHub and its Other Websites contained CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 14

Subject to and without waiving any and all objections, including the General Objections set forth above, admitted.

REQUEST FOR ADMISSION NO.15

During the Relevant Period, Mindgeek has removed videos and/or images from PornHub and its Other Websites after investigating whether those videos and/or images contained CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 15

Subject to and without waiving any and all objections, including the General Objections set forth above, admitted.

REQUEST FOR ADMISSION NO.16

Mindgeek maintains records of videos and/or images containing CSAM, Apparent

CSAM, and/or Suspected CSAM that were on PornHub and its Other Websites during the Relevant Period.

RESPONSE TO REQUEST FOR ADMISSION NO. 16

In addition to the General Objections which are incorporated herein, Defendants also object on the ground that the term “records” is vague and ambiguous. Defendants further object on the grounds that this Request is compound, seeking an admission about three differently defined types of content. Subject to and without waiving any and all objections, denied in part and admitted in part. Defendants admit that they have information in their Content Management System (“CMS”) identifying CSAM and Apparent CSAM that was reported to NCMEC. Defendants further admit that since mid-2020 and on a going forward basis from that time, Defendants have identified in CMS if a piece of content was determined to contain CSAM or Apparent CSAM. Prior to that time, if a piece of content was determined to violate Defendants’ terms of service regarding underage content, when it was removed it was generally recorded in Defendants’ CMS as a terms of service violation but not specifically categorized as containing CSAM or Apparent CSAM. Defendants admit that they maintain a database that contains content removal requests made by third parties that allege content that appeared on Pornhub.com contained CSAM or Suspected CSAM. Defendants also admit that since the time any particular technological tool was used to aid in the identification of potential CSAM, Defendants’ CMS contains information regarding the use of such tools. Further, Defendants have taken all necessary and appropriate steps consistent with their legal obligations to preserve such records.

REQUEST FOR ADMISSION NO.17

Mindgeek maintains records of videos and/or images that were removed from PornHub and its Other Websites during the Relevant Period because they contained CSAM, Apparent CSAM, and/or suspected CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 17

In addition to the General Objections which are incorporated herein, Defendants also object on the ground that the term “records” is vague and ambiguous. Subject to and without

waiving any and all objections, denied in part and admitted in part. Defendants admit that they have information in their CMS identifying CSAM and Apparent CSAM that was removed and reported to NCMEC. Defendants further admit that since mid-2020, Defendants have identified in CMS if a piece of content was removed because it was determined to contain CSAM or Apparent CSAM. Prior to that time, if a piece of content was determined to violate Defendants' terms of service regarding underage content, when it was removed it was generally recorded in Defendants' CMS as a terms of service violation but not specifically categorized as containing CSAM or Apparent CSAM. Further, Defendants have taken all necessary and appropriate steps consistent with their legal obligations to preserve such records.

REQUEST FOR ADMISSION NO.18

Mindgeek maintains records of its investigations into whether videos and/or images on Pornhub and its Other Websites contain CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 18

In addition to the General Objections which are incorporated herein, Defendants also object on the ground that the terms "records" and "investigations" are vague and ambiguous. Subject to and without waiving any and all objections, denied as stated. Defendants admit that they have information in their CMS identifying CSAM and Apparent CSAM that was reported to NCMEC. Defendants further admit that since mid-2020, Defendants have identified in CMS if a piece of content was determined to contain CSAM or Apparent CSAM. Prior to that time, if a piece of content was determined to violate Defendants' terms of service regarding underage content, when it was removed it was generally recorded in Defendants' CMS as a terms of service violation but not specifically categorized as containing CSAM or Apparent CSAM. Generally, if Defendants' investigation regarding a piece of content included requesting additional documentation from the uploader, Defendants' CMS includes the documents received. Defendants also admit that they maintain a database that contains content removal requests made by third parties that allege content that appeared on Pornhub.com did, may have, or appeared to contain CSAM which may include some information related to investigations into those

allegations. Further, Defendants have taken all necessary and appropriate steps consistent with their legal obligations to preserve such records.

REQUEST FOR ADMISSION NO.19

Mindgeek maintains records of notifications from other persons or entities that videos and/or images on PornHub and its Other Websites do, may, or appear to contain CSAM.

RESPONSE TO REQUEST FOR ADMISSION NO. 19

In addition to the General Objections which are incorporated herein, Defendants also object on the ground that the terms “records” and “notifications” are vague and ambiguous. Subject to and without waiving any and all objections, Defendants admit that they maintain a database that contains content removal requests made by third parties that allege content that appeared on Pornhub.com did, may have, or appeared to contain CSAM. Defendants also admit that third-party users of Pornhub can flag content for multiple reasons, including Suspected CSAM. Upon information and belief, information regarding content flagged as Suspected CSAM is electronically stored in Defendants’ CMS and can be retrieved. Defendants also admit that to the extent notifications of allegations that CSAM appeared or may have appeared on Pornhub.com were made via electronic mail or some other form of written communication, Defendants have taken all necessary and appropriate steps consistent with their legal obligations to preserve such records.

REQUEST FOR ADMISSION NO.20

Sometime during 2018 through 2020, one or more videos depicting Plaintiff Jane Doe #1 involved in Sexually Explicit Conduct were available on PornHub.

RESPONSE TO REQUEST FOR ADMISSION NO. 20

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants can neither admit nor deny this Request because they have not viewed the video or videos which Plaintiff Jane Doe #1 alleges depict her involved in Sexually Explicit Conduct. Defendants admit only that upon information and belief, a video allegedly depicting Plaintiff Jane Doe #1 involved in Sexually Explicit Conduct was publicly available on

Pornhub.com from February 27, 2018 to July 10, 2020.

REQUEST FOR ADMISSION NO.21

Mindgeek obtained the video or videos depicting Plaintiff Jane Doe #1 involved in Sexually Explicit Conduct that had appeared on PornHub from a member of PornHub's Model Program.

RESPONSE TO REQUEST FOR ADMISSION NO. 21

Subject to and without waiving any and all objections, including the General Objections set forth above, Defendants can neither admit or deny this Request because they have not viewed the video or videos which Plaintiff Jane Doe #1 alleges depict her involved in Sexually Explicit Conduct. Defendants admit only that upon information and belief, a video allegedly depicting Plaintiff Jane Doe #1 involved in Sexually Explicit Conduct was uploaded to Pornhub.com by a member of Pornhub's Model Program.

Respectfully submitted,

s/ Sara M. Turner

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CERTIFICATE OF SERVICE

I certify that on this day, July 17, 2023, I served a true and correct copy of the foregoing Defendants' Objections and Responses to Plaintiff's First Set of Requests for Admission on counsel of record via electronic mail.

Dated: July 17, 2023

/s/ Michelle Hart Yeary

Michelle Hart Yeary